

UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

THE UNITED STATES OF AMERICA,

vs.

0209 1:16-CR-00013-001

BRANDON LOYD,

Defendant.

**SUPPLEMENTAL STATEMENT OF DEFENDANT WITH RESPECT TO
SENTENCING FACTORS
AND OBJECTIONS AND REQUEST FOR RULING 32(H)(3)**

R. THOMAS BURGASSER, affirms under penalty of perjury that:

1. I am the assigned attorney duly admitted in the Western District of New York to represent the Defendant, Brandon Loyd, in the above-entitled action brought by the United States of America.

2. I make this statement in accordance with the requirements of the sentencing guidelines: Statement of Defendant with Respect to Sentencing Factors

3. In accordance with the rules concerning a sentencing, it is hereby stated on behalf of the Defendant that Mr. Loyd and myself have reviewed and discussed the Revised Pre-Sentence Investigation Report of October 4, 2017. He continues to stand by those matters that were disputed in his Statement of Defendant with Respect to Sentencing Factors dated August 17, 2017.


4. Except as herein stated, there are no statements, conclusions, or other information contained in the report of which the Defendant has information or could verify which he disputes

with the exception as follows:

- 1) Under the subtitle **“The Offense Conduct”**, Defendant, Mr. Loyd, disputes the inclusion of the original paragraphs 36 through 54, **Offensive Behavior Not Part of Relevant Conduct.**
- 2) Defendant, Brandon Loyd, objects to that part of the **“Offensive Level Computation”** that establishes an Offense Level of 21, inconsistent with the Plea Agreement which noted an Offense Level of 19 (resulting in a change of range of imprisonment under the First Count by 2 Levels due to the Pre-Sentence Investigation Report computing an Offense Level of 21).

Defendant, Brandon Loyd, objects to the inclusion of the original paragraphs 36 through 53 of the Pre-Sentence Investigation Report and asks that they be struck for reasons in his Statement of August 17, 2017. The Court is requested to order a revised report be prepared

Dated: October 25, 2017


R. THOMAS BURGASSER, PLLC
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Buffalo, NY 14202

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CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2017 I electronically filed **STATEMENT OF DEFENDANT WITH RESPECT TO SENTENCING FACTORS AND OBJECTIONS AND REQUEST FOR RULING dated August 17, 2017** with the Clerk of the District Court using its CM/ECF system, which sent notification of such filing to the participants on this case, including:

MICHAEL P. FELICETTA
Assistant United States Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
(716) 843-5893

I also certify that on October 25, 2017 I mailed a copy of the foregoing to:

U.S. Probation Department
Attn: Lisa B. Ferraro
2 Niagara Square
Buffalo, NY 14202

Dated: October 25, 2017


Cristy L. Egri